



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, HAWAII
400 MARSHALL ROAD
PEARL HARBOR, HAWAII 96860-3139

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Ser OPHEV1/01837
November 19, 2009

Ms. Fenix Grange, Supervisor
Site Discovery, Assessment, & Remediation Section
Office of Hazard Evaluation and Emergency Response
State Dept of Health
P.O. Box 378
Honolulu, HI 96801-3378

SUBJECT: REQUEST FOR INFORMATION REGARDING MANAGEMENT OF PESTICIDE-IMPACTED SOILS AT MARINES MFH MCBH PA HONUA III

Dear Ms. Grange:

In response to your letter 2009-639-ES dated September 30, 2009, we submit the following clarification and response to your questions.

a. *Comments to Pa Honua site assessment reports.* The Pa Honua III housing site was privatized to Ohana Military Communities, LLC (OMC) pursuant to the Military Housing Privatization Initiative. Prior to privatization, Pa Honua was known as the 212 Family Housing Quarters Site Located at Marine Corps Base, Kaneohe, Oahu.

On October 1, 2007, the Naval Facilities Engineering Command, Pacific (NAVFAC PAC) entered into a contractual agreement with OMC to operate and maintain the Pa Honua III site. Prior to entering into the contractual agreement, OMC contracted Parsons to perform a site assessment of the housing site to satisfy its lender's agreement. The site assessment, Phase I ESA and Phase II ESA, was forwarded on July 30, 2009.

One of the contract requirements is for OMC to comply with all Federal and State laws and regulations. To this end, OMC contracted Parsons to develop a pesticides soil management plan. The site assessment served as the basis of the pesticides soil management plan for the housing site. The pesticides soil management plan incorporated all housing sites operated and managed by OMC's managing member, Hawaii Military Communities, LLC (HMC) as well as future housing redevelopment sites. A description of the applicable housing sites is provided in the pesticides soil management plan. The pesticides soil management plan addresses management of impacted soils during construction and demolition, and operations and management of pesticides impacted soils in housing areas.

HMC maintains control of the Phase I ESA, Phase II ESA and pesticides soil management plan. Please refer all questions or comments regarding these documents to HMC's point of contact, William Boudra, telephone, 839-8784, or e-mail, WilliamBoudra@forestcity.net.

b. Final remediation report describing the investigation, risk assessment conclusions, remedy selection and implementation of PI soils at the Pa Honua III site. There is no final remediation report for the remedy selection and implementation. However, we have the following individual studies/reports, which provide the documentation requested.

(1) Health Risk Assessment of Soil at the Replacement of 212 Family Housing Quarters Site Located at Marine Corps Base, Kaneohe, Oahu, November 17, 2005. The site specific health risk assessment identified Area 2 as a hot spot with a chlordane concentration of 104 ppm. The two recommendations to address the elevated chlordane concentration were soil removal of an additional 18 inches below current grade and collection of confirmation samples, or use of a permanent and impenetrable barrier to prevent exposure resulting from soil disturbance with administrative controls to track the chlordane concentration and maintain the integrity of the barrier. The health risk assessment is forwarded as enclosure (1).

(2) Remedy selection and implementation. The remedy selected for the hot spot was a combination of the two recommendations. The area was over-excavated an additional 18 inches and confirmation samples were collected and analyzed. Confirmation results indicated residual chlordane concentrations below the health risk assessment established action level. The over-excavated soil was placed under a paved basketball court, which served as an impenetrable barrier. Administrative controls were established for the basketball court. The site confirmation sampling results are provided as enclosure (2).

c. Information on PI soil management procedures used during housing construction on site. Construction of the 212 housing project commenced in 2002. At the onset of construction, DOH did not have any published guidelines, recommendations or regulations for the management of chlordane impacted soil. Soil management requirements for chlordane impacted soil were based on a series of project inquiries from the Navy to DOH. DOH responses to Navy inquiries are summarized as follows.

(1) DOH letter, 95-387PA, November 6, 1995, Subject: Chlordane Action Levels provided non-carcinogenic soil screening level of 3.78 mg/kg.

(2) DOH letter, ChlorUSN, September 15, 1999, response to disposal of chlordane contaminated soil at a Navy housing site, provided soil management recommendations of placement of contaminated soil under concrete slabs of new houses or placement of a 6-inch cover of clean soil, and limiting soil placement and movement to areas not anticipated to have future construction or repair requirements.

(3) DOH letter, 05-432-CAC, August 22, 2005, response to request for guidance for the cleanup of chlordane at the 212 housing site, provided DOH's position on the cleanup of chlordane contamination encountered by housing projects.

Copies of the letters are provided as enclosure (3).

After acceptance of the 212 housing project, MCBH Kaneohe Bay operated and managed the housing site for approximately one year, October 2006 - October 2007. In order to assist MCBH Kaneohe Bay's housing department, a general informational document was prepared for residents of the 212 housing project. The informational document, *Chlordane in Soil* was prepared by the Navy Environmental Health Center, enclosure (4). The informational document covered the following topics: what happens to chlordane when it gets into the environment; how can people be exposed to chlordane in soil; how much chlordane in soil is safe; what are the potential health effects from exposure to chlordane; does chlordane cause cancer; and how can you reduce your family's exposure to chlordane in soil?

With the change in operation and management to OMC, existing and new residents were notified of the chlordane contamination and prudent practices to eliminate or reduce exposure to chlordane through the *Forest City Residential Community Handbook Marine Corps Neighborhood*. The handbook was provided to all residents of Pa Honua and is also posted on the Forest City Military Communities website, www.fcmarineshawaii.com/newresidents_forms.

(d) Information on land use controls that have been implemented to ensure the long-term effectiveness of the containment-based on-site remedy. Information on land use controls (LUC's) was provided to OMC. Under the terms of the lease, OMC through HMC is responsible to maintain all facilities to include the LUC's, Environmental Condition of Property (ECP), Section 7.8. Section 7.8 is provided as enclosure (5).

(e) Information on the management of PI soils at other MCBH housing sites. Other MCBH housing sites are identified in the HMC pesticides soil management plan, section 1.1.3, will implement the procedures identified in sections 3.3 through 3.6 and section 4.0.

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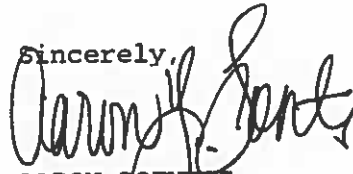
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As indicated in our letter Ser OPHEV/01091 of July 30, 2009, we are willing to assist you with your investigation of complaints of pesticide-impacted soils at MCBH housing sites, however, we wish to clarify under Hawaii Revised Statutes Section 128D-1, the definition of release does not include any release resulting from the legal application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Your pursuit of the Navy to undertake additional investigation/action of pesticide-impacted soil is not consistent with the existing statute.

If there are any additional questions, please contact me at 471-1171, x-226 or Wayne Yonehara of our Environmental Compliance Division at x-228.

Sincerely,



AARON BOENTIS

Business Line Coordinator
Environmental

By direction of the
Commanding Officer

- Enclosures:
1. Health Risk Assessment of Soil at the Replacement of 212 Family Housing Quarters Site Located at Marine Corps Base, Kaneohe, Oahu, HI
 2. Area 2 Site Sampling Results
 3. DOH Chlordane Guidelines
 4. Chlordane in Soil
 5. ECP, Section 7.8

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Blind copy to:
NAVFAC HI 09C (C. Nojima)
→ NAVFAC PAC AM (B. Davis)